

OPEN MEETING ITEM

COMMISSIONERS
KRISTIN K. MAYES – Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



0000100281

Interim Executive Director

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DOCKET CONTROL

ARIZONA CORPORATION COMMISSION

DATE: JULY 6, 2009

DOCKET NOS.: RE-00000C-08-0394 and RT-00000J-08-0394

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Sarah N. Harpring. The recommendation has been filed in the form of an Opinion and Order on:

RULEMAKING

(R14-2-207, R14-2-208, R14-2-209, R14-2-506 and R14-2-507)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

JULY 15, 2009

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

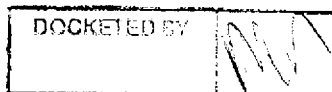
JULY 28, 2009 and JULY 29, 2009

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

JUL -6 2009



MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE NOTICE OF
9 PROPOSED RULE AMENDMENT FOR FIXED
10 UTILITY RULES R14-2-207, R14-2-208, R14-2-209,
11 R14-2-506, AND R14-2-507.

DOCKET NO. RE-00000C-08-0394

DOCKET NO. RT-00000J-08-0394

DECISION NO. _____

OPINION AND ORDER

11 DATES OF HEARING: June 4, 2009

12 PLACE OF HEARING: Phoenix, Arizona

13 ADMINISTRATIVE LAW JUDGE: Sarah N. Harpring

14 APPEARANCES: Nancy Scott, Staff Attorney, Legal Division, on behalf
15 of the Utilities Division of the Arizona Corporation
16 Commission.

16 **BY THE COMMISSION:**

17 This matter is a rulemaking to amend Arizona Administrative Code ("A.A.C.") R14-2-207,
18 R14-2-208, and R14-2-209 in the Fixed Utilities rules for Electric Utilities and R14-2-506 and R14-
19 2-507 in the Fixed Utilities rules for Telephone Utilities by updating four codes and standards
20 incorporated by reference therein; revising references to and the publishing information for the codes
21 and standards to conform to the updates; making technical revisions to be consistent with A.R.S. §
22 41-1028 and the rules of the Secretary of State; and making minor stylistic revisions to the affected
23 subsections to make them more clear, concise, and understandable.

24 * * * * *

25 Having considered the entire record herein and being fully advised in the premises, the
26 Commission finds, concludes, and orders that:

27 **FINDINGS OF FACT**

28 1. On July 31, 2008, the Commission's Utilities Division Staff ("Staff") docketed a

1 memorandum requesting to have a docket opened for purposes of amending A.A.C. R14-2-207 and
2 R14-2-208 in the Fixed Utilities rules for Electric Utilities ("Rules 207 and 208") and R14-2-506 and
3 R14-2-507 in the Fixed Utilities rules for Telephone Utilities ("Rules 506 and 507"), for the purpose
4 of updating the incorporation by reference for the National Electrical Safety Code. As a result, this
5 docket was opened.

6 2. On January 7, 2009, Staff docketed a memorandum requesting to have the caption for
7 this docket revised to reflect that A.A.C. R14-2-209 ("Rule 209") would also be included in the
8 rulemaking. Staff stated that the rulemaking would also update the incorporations by reference for
9 the ASME Code for Pressure Piping, the American National Standard Code for Electricity Metering,
10 and the American National Standard for Electric Power Systems and Equipment Voltage Ratings [60
11 Hz] and that additional revisions to the rules might be addressed.

12 3. On February 13, 2009, Staff docketed a memorandum recommending the filing of a
13 Notice of Rulemaking Docket Opening and a Notice of Proposed Rulemaking along with additional
14 procedural deadlines and requirements. Along with the memorandum, Staff included a draft Order
15 for Commission consideration at an Open Meeting. Staff's memorandum and draft Order were
16 considered and approved at the Open Meeting on March 3, 2009.

17 4. On March 17, 2009, the Commission issued Decision No. 70848, which ordered Staff
18 to prepare and file with the Office of the Secretary of State by March 27, 2009, for publication in the
19 *Arizona Administrative Register* by April 17, 2009, a Notice of Rulemaking Docket Opening
20 ("NRDO") and a Notice of Proposed Rulemaking ("NPRM") for the proposed changes to Rules 207,
21 208, 209, 506, and 507. Decision No. 70848 further required the Hearing Division to hold an oral
22 proceeding to receive public comment on the NPRM on June 4, 2009, at the Commission's offices in
23 Phoenix, Arizona; established a schedule for interested persons to provide written and oral
24 comments; and established additional procedural requirements and deadlines.

25 5. On April 17, 2009, a NRDO and a NPRM for Rules 207, 208, 209, 506, and 507 were
26 published in the *Arizona Administrative Register*, and Staff filed copies of the published NRDO and
27 NPRM in this docket. In the document accompanying the copies of the NRDO and NPRM, Staff
28 indicated that the Economic, Small Business, and Consumer Impact Statement for the rulemaking is

1 included within the NPRM itself rather than as a separate document.

2 6. The NPRM does the following:

- 3 a. Updates references to the 1997 National Electrical Safety Code to the 2007
4 edition;
- 5 b. Updates the reference to the 1995 ASME Code for Pressure Piping to the 2007
6 edition, which has a revised title;
- 7 c. Updates the reference to the 1989 American National Standard for Electric Power
8 Systems and Equipment-Voltage Ratings (60 Hertz) to the 2006 edition;
- 9 d. Updates the reference to the 1995 American National Standard Code for
10 Electricity Metering to the 2008 edition, which has a revised title;
- 11 e. Expressly identifies the publishers of the materials incorporated by reference, to be
12 consistent with A.R.S. § 41-1028 and the rules of the Secretary of State;
- 13 f. Updates the mailing addresses and adds website addresses for the publishers of the
14 materials incorporated by reference;
- 15 g. Changes the location where the materials incorporated by reference are on file,
16 from the Office of the Secretary of State to the Commission, to be consistent with
17 A.R.S. § 41-1028 and the rules of the Secretary of State; and
- 18 h. Makes minor stylistic revisions to the affected subsections to make the subsections
19 more clear, concise, and understandable.

20 7. On May 29, 2009, Staff filed a Memorandum stating that because no comments had
21 been filed by interested persons, Staff had no summary of comments or response to comments.

22 8. On June 4, 2009, an oral proceeding on the NPRM was held at the Commission's
23 offices in Phoenix, Arizona. Staff appeared through counsel. A representative from the Arizona
24 Public Service Company attended, but declined to provide comments. No other member of the public
25 attended. During the oral proceeding, Staff provided the prices to purchase a copy of each of the
26 updated codes and standards, as follows:

- 27 a. Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The
28 National Electrical Safety Code (2007): \$153;

- 1 b. American Society of Mechanical Engineers, Pub. No. ANSI/ASME B31.1-2007,
2 Power Piping (2007): \$315;
- 3 c. National Electrical Manufacturers Association, Pub. No. ANSI C84.1-2006,
4 American National Standard for Electric Power Systems and Equipment-Voltage
5 Ratings (60 Hertz) (2006): \$56; and
- 6 d. National Electrical Manufacturers Association, Pub. No. ANSI C12.1-2008,
7 American National Standard for Electric Meters: Code for Electricity Metering
8 (2008): \$124.

9 Staff also stated that Staff believes most local jurisdictions already require compliance with the
10 updated codes and standards listed above and that compliance with the updated codes and standards
11 listed above will not result in any substantial costs.

12 9. On June 19, 2009, Staff filed a Memorandum explaining that no public comments
13 have been received concerning the NPRM; that Staff thus has no response to any comments; and that
14 Staff is unaware of any issues that would necessitate a revision to the previously filed Economic,
15 Small Business, and Consumer Impact Statement.

16 10. No oral or written comments have been received concerning the NPRM.

17 11. Staff believes the recommended amendments to the rules will benefit the general
18 public by maintaining the safe operation of electric and telephone utilities.

19 12. A.R.S. § 41-1028 allows an agency to incorporate by reference in its rules all or any
20 part of a code or standard of a nationally recognized organization or association if incorporation of
21 the text in the rules would be unduly cumbersome, expensive, or otherwise inexpedient. The statute
22 requires the reference to fully identify the incorporated matter by location, date, and otherwise; to
23 state that the rule does not include any later amendments or editions of the incorporated matter; and
24 to state where copies of the incorporated matter are available from the agency issuing the rule and the
25 organization or association originally issuing the matter. Further, the statute provides that an agency
26 may incorporate later amendments or editions of the incorporated matter only after compliance with
27 the rulemaking requirements of A.R.S. Title 41, Chapter 6, the Administrative Procedure Act.

28 13. The rules of the Secretary of State require an incorporation by reference to include the

1 publisher's name and address, the date of publication, and a location where the item is available if
2 different from the publisher's location. (A.A.C. R1-1-414.) The rule also clarifies that items
3 incorporated by reference and filed with an agency's final rules prior to September 18, 2003, remain
4 on file at the Office of the Secretary of State, while items incorporated by reference thereafter are to
5 be kept on file with the agency issuing the rule. (*Id.*)

6 14. A.R.S. § 41-1057(2) exempts Commission rules from A.R.S. Title 41, Chapter 6,
7 Article 5, pertaining to review and approval of rulemakings by the Governor's Regulatory Review
8 Council, but requires the Commission to "adopt substantially similar rule review procedures,
9 including the preparation of an economic impact statement and a statement of the effect of the rule on
10 small business."

11 15. A.R.S. § 41-1044 requires the Attorney General to review rules that are exempt
12 pursuant to A.R.S. § 41-1057 as to form and whether the rules are clear, concise, and understandable;
13 within the power of the agency to make; within the enacted legislative standards; and made in
14 compliance with appropriate procedures.

15 16. Rules 207, 208, 209, 506, and 507, as published in the NPRM, attached hereto as
16 Exhibit A, will bring the Commission's incorporations by reference therein up to date, thereby
17 making them consistent with the requirements of local jurisdictions; will make the language of the
18 incorporations by reference consistent with current rulemaking requirements; and should be adopted
19 without additional changes.

20 17. Rules 207, 208, 209, 506, and 507, as published in the NPRM, attached hereto as
21 Exhibit A, should be submitted to the Attorney General's Office for approval pursuant to A.R.S. §
22 41-1044, in the form of a Notice of Final Rulemaking, along with a separate Economic, Small
23 Business, and Consumer Impact Statement that combines the information contained in the
24 preliminary summary of the economic, small business, and consumer impact from the NPRM
25 Preamble with the information set forth in Findings of Fact No. 8 pertaining to the prices of the codes
26 and standards and Staff's beliefs regarding the adoption of the codes and standards by local
27 jurisdictions and the costs of complying with the codes and standards.

28 ...

CONCLUSIONS OF LAW

1
2 1. Pursuant to Arizona Constitution, Article XV, § 3 and A.R.S. §§ 40-202, 40-203, 40-
3 321, 40-322, and 40-336, the Commission has jurisdiction to amend Rules 207, 208, 209, 506, and
4 507 as reflected in Exhibit A.

5 2. Notice of the oral proceeding regarding the NPRM was provided in the manner
6 prescribed by law.

7 3. Rules 207, 208, 209, 506, and 507, as set forth in Exhibit A, contain no changes from
8 the rules as published in the NPRM.

9 4. Rules 207, 208, 209, 506, and 507, as set forth in Exhibit A, are clear, concise, and
10 understandable; within the Commission's power to make; within enacted legislative standards; and
11 made in compliance with appropriate procedures.

12 5. Adoption of Rules 207, 208, 209, 506, and 507, as set forth in Exhibit A, is in the
13 public interest.

14 6. A separate Economic, Small Business, and Consumer Impact Statement that combines
15 the information contained in the preliminary summary of the economic, small business, and consumer
16 impact from the NPRM Preamble with the information set forth in Findings of Fact No. 8 pertaining
17 to the prices of the codes and standards and Staff's beliefs regarding the adoption of the codes and
18 standards by local jurisdictions and the costs of complying with the codes and standards will comply
19 with A.R.S. § 41-1057(2) and should be adopted.

ORDER

20
21 IT IS THEREFORE ORDERED that Arizona Administrative Code R14-2-207, R14-2-208,
22 R14-2-209, R14-2-506, and R14-2-507, as set forth in Exhibit A, are hereby adopted.

23 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff/Legal Division
24 Staff shall create a separate Economic, Small Business, and Consumer Impact Statement as set forth
25 in Findings of Fact No. 17 and Conclusions of Law No. 6 and that the Commission hereby adopts the
26 separate Economic, Small Business, and Consumer Impact Statement so created.

27 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff/Legal Division
28 Staff shall prepare and file with the Office of the Attorney General, for approval pursuant to Arizona

1 Revised Statutes § 41-1044, a Notice of Final Rulemaking that includes the text of Arizona
 2 Administrative Code R14-2-207, R14-2-208, R14-2-209, R14-2-506, and R14-2-507, as set forth in
 3 Exhibit A, and a Preamble that conforms with Arizona Revised Statutes § 41-1001(14). The
 4 Commission's Utilities Division Staff/Legal Division Staff shall also file with the Office of the
 5 Attorney General the separate Economic, Small Business, and Consumer Impact Statement required
 6 to be created by the second ordering paragraph herein and any additional documents required by the
 7 Office of the Attorney General for its approval process.

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IT IS FURTHER ORDERED that the Commission's Utilities Division Staff/Legal Division Staff is authorized to make non-substantive changes in the adopted Arizona Administrative Code R14-2-207, R14-2-208, R14-2-209, R14-2-506, and R14-2-507; the adopted Economic, Small Business, and Consumer Impact Statement; and any additional documents required by the Office of the Attorney General in response to comments received from the Office of the Attorney General during the approval process under Arizona Revised Statutes § 41-1044 unless, after notification of those changes, the Commission requires otherwise.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2009.

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SNH:db

1	SERVICE LIST FOR:	RULEMAKING
2	DOCKET NOS.:	RE-00000C-08-0394 and RT-00000J-08-0394
3		
4	AJO IMPROVEMENT COMPANY POST OFFICE DRAWER 9 AJO, ARIZONA 85321	MR. STEVE CHILD MIDVALE TELEPHONE EXCHANGE POST OFFICE BOX 7 MIDVALE, IDAHO 83645
5	GARKANE ENERGY COOPERATIVE, INC. POST OFFICE BOX 465 LOA, UTAH 84747	TRICO ELECTRIC COOPERATIVE, INC. POST OFFICE BOX 930 MARANA, ARIZONA 85653
7	APS ENERGY SERVICES COMPANY, INC. 400 EAST VAN BUREN STREET PHOENIX, ARIZONA 85004	MR. NORM CURTRIGHT CORPORATE COUNSEL QWEST CORPORATION 20 EAST THOMAS ROAD, 16 TH FLOOR PHOENIX, ARIZONA 85012
8	GRAHAM COUNTY ELECTRIC COOPERATIVE, INC. POST OFFICE DRAWER B PIMA, ARIZONA 85543	
9		TUCSON ELECTRIC POWER COMPANY ATTN: DAVID COUTURE POST OFFICE BOX 711, MS UE201 TUCSON, ARIZONA 85702
10	ARIZONA ELECTRIC POWER COOPERATIVE, INC. POST OFFICE BOX 670 BENSON, ARIZONA 85602	
11	MOHAVE ELECTRIC COOPERATIVE, INC. POST OFFICE BOX 1045 BULLHEAD CITY, ARIZONA 86430	VALLEY TELEPHONE COOPERATIVE 725 EAST MALEY WILCOX, ARIZONA 85644-0970
12		
13	ARIZONA PUBLIC SERVICE COMPANY POST OFFICE 53999 STATION 9905 PHOENIX, ARIZONA 85072	UNS ELECTRIC, INC. ATTN: DAVID COUTURE POST OFFICE BOX 711, MS UE201 TUCSON, ARIZONA 85702
14		
15	MORENCI WATER AND ELECTRIC COMPANY POST OFFICE BOX 68 MORENCI, ARIZONA 85540	MS. BRENDA CROSBY RIO VIRGIN TELEPHONE POST OFFICE BOX 189 ESTACADA, OREGON 97023
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18	NAVOPACHE ELECTRIC COOPERATIVE, INC. 1878 WEST WHITE MOUNTAIN BOULEVARD LAKESIDE, ARIZONA 85929	MR. MARC MCLEMORE SOUTH CENTRAL UTAH TELEPHONE POST OFFICE BOX 555 ESCALANTE, UTAH 84726
19	DIXIE-ESCALANTE RURAL ELECTRIC ASSOCIATION, INC. 71 EAST HIGHWAY 56 BERYL, UTAH 84714-5197	
20		MR. JEFF HANDLEY MANAGER, STATE GOVERNMENT AFFAIRS TDS TELECOM 10025 INVESTMENT DRIVE, SUITE 200 KNOXVILLE, TENNESSEE 37932
21	PDM ENERGY, LLC ONE NORTH CENTRAL AVENUE PHOENIX, ARIZONA 85004	
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24	SEMPRA ENERGY SOLUTIONS, LLC 101 ASH STREET SAN DIEGO, CALIFORNIA 92101	
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SEATTLE, WASHINGTON 98124

RURAL NETWORK SERVICES, INC.
123 WEST MAIN STREET
POST OFFICE BOX 167
WEISER, IDAHO 83672

TELSCAPE COMMUNICATIONS, INC.
606 EAST HUNTINGTON DRIVE
MONROVIA, CALIFORNIA 91016

SBC LONG DISTANCE, LLC
1010 NORTH ST. MARY'S, ROOM 1332
SAN ANTONIO, TEXAS 78215

- 1 TIME WARNER CABLE INFORMATION
SERVICES (ARIZONA), LLC
290 HARBOR DRIVE
- 2 STAMFORD, CONNECTICUT 06902
- 3 SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY, MS: Z2400
OVERLAND PARK, KANSAS 66251
- 4 TRANS NATIONAL COMMUNICATIONS INTERNATIONAL,
INC.
- 5 2 CHARLES GATE WEST
BOSTON, MASSACHUSETTS 02215
- 6 SYNIVERSE TECHNOLOGIES, INC.
8125 HIGHWOODS PALM WAY
TAMPA, FLORIDA 33647-1776
- 7
- 8 TRIPLET MOUNTAIN COMMUNICATIONS, INC.
POST OFFICE BOX 779
10 TELECOM LANE
PERIDOT, ARIZONA 85542
- 9
- 10 TW TELECOM OF ARIZONA, LLC
10475 PARK MEADOWS DRIVE, SUITE 400
LITTLETON, COLORADO 80124
- 11 XO COMMUNICATIONS SERVICES, INC.
13865 SUNRISE VALLEY DRIVE
HERNDON, VIRGINIA 20171
- 12
- 13 UCN, INC.
7730 SOUTH UNION PARK AVENUE, SUITE 500
MIDVALE, UTAH 84047
- 14 YMAX COMMUNICATIONS CORPORATION
POST OFFICE BOX 6785
WEST PALM BEACH, FLORIDA 33405-6785
- 15
- 16 VALLEY CONNECTIONS, LLC
POST OFFICE BOX 970
WILCOX, ARIZONA 85644
- 17
- 18 VERIZON SELECT SERVICES, INC.
1 VERIZON WAY, MC VC22E243
BASKING RIDGE, NEW JERSEY 07920
- 19
- 20 WHOLESALE CARRIER SERVICE, INC.
5471 NORTH UNIVERSITY DRIVE
CORAL SPRINGS, FLORIDA 33067
- 21
- 22 WILTEL LOCAL NETWORK, LLC
LEVEL 3 COMMUNICATIONS
1025 ELDORADO BOULEVARD
BROOMFIELD, COLORADO 80021
- 23
- 24 WILTEL COMMUNICATIONS, LLC
1025 ELDORADO BOULEVARD
BROOMFIELD, COLORADO 80021
- 25
- 26 ERNEST G. JOHNSON, DIRECTOR
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON STREET
PHOENIX, AZ 85007
- 27
- 28 JANICE ALWARD, CHIEF COUNSEL
LEGAL DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON STREET
PHOENIX, AZ 85007

EXHIBIT A**NOTICE OF PROPOSED RULEMAKING****TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION****CHAPTER 2. CORPORATION COMMISSION
FIXED UTILITIES**

Editor's Note: Because the Corporation Commission is a separately elected constitutional body, the following Notice of Proposed Rulemaking was exempt from the Governor's Regulatory Review Plan memorandum, January 22, 2009. (See a copy of the memorandum in this issue on page 685.)

[R09-37]

PREAMBLE**1. Sections Affected**

R14-2-207
R14-2-208
R14-2-209
R14-2-506
R14-2-507

Rulemaking Action

Amended
Amended
Amended
Amended
Amended

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: Arizona Constitution Article XV § 3; A.R.S. §§ 40-202; 40-203; 40-321, 40-322, 40-281, 40-282

Implementing statute: Arizona Constitution Article XV § 3; A.R.S. §§ 40-202; 40-203; 40-321, 40-322, 40-281, 40-282

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3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 15 A.A.R. 651, April 17, 2009 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Nancy Scott, Esq.
 Attorney, Legal Division, Corporation Commission

Address: 1200 W. Washington St.
 Phoenix, AZ 85007

Telephone: (602) 542-3402

Fax: (602) 542-4870

E-mail: nscott@azcc.gov

or

Name: Steve Olea
 Assistant Director, Utilities Division, Corporation Commission

Address: 1200 W. Washington St.
 Phoenix, AZ 85007

Telephone: (602) 542-7270

Fax: (602) 542-2129

E-mail: solea@azcc.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The proposed changes will update references to the 1997 National Electrical Safety Code to the 2007 edition, update the reference to the 1995 ASME Code for Pressure Piping to the 2007 edition, which has a revised title; update the reference to the 1989 American National Standard for Electric Power Systems and Equipment-Voltage Ratings (60 Hertz) to the 2006 edition; update the reference to the 1995 American National Standard Code for Electricity Metering to the 2008 edition, which has a revised title; expressly identify the publishers of the materials incorporated by reference, to be consistent with Arizona Revised Statutes (A.R.S.) § 41-1028 and the rules of the Secretary of State; update the mailing addresses and add web site addresses for the publishers of the materials incorporated by reference; change the location where the materials incorporated by reference are on file, from the Office of the Secretary of State to the Commission, to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State; and make minor stylistic revisions to the affected subsections to make the subsections more clear, concise, and understandable.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

NOTE – The Arizona Corporation Commission is exempt from the requirements of A.R.S. § 41-1055 relating to economic, small business, and consumer impact statements. See A.R.S. § 41-1057(2). However, under A.R.S. § 41-1057(2), the Arizona Corporation Commission is required to prepare a “substantially similar” statement.

1. BRIEF DESCRIPTION: These amendments will amend existing rules (R14-2-207, R14-2-208 and R14-2-209) under Chapter 2 Article 2 entitled “Electric Utilities” and existing rules (R14-2-506 and R14-2-507) under Chapter 2 Section 5 entitled “Telephone Utilities” (collectively, “the Rules”). The proposed amendments to the existing rules are designed to update references to the National Electric Safety Code, the American Society of Mechanical Engineers (“ASME”) Code For Pressure Piping, the American National Standard For Electric Power Systems and Equipment-Voltage Ratings (60 Hertz) and the American National Standard Code For Electricity Metering (collectively, “the updated standards”).

The amendments also expressly identify the publishers of the incorporated by reference materials, update the mailing addresses and add web site addresses for these publishers, and change the location where the incorporated by reference materials are on file from the Office of the Secretary of State to the Commission to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.

Finally, the amendments make minor stylistic revisions to the affected subsections to make the subsections more clear, concise and understandable.

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2. **NEED:** The Commission has jurisdiction over entities that are public service corporations within the meaning of Article XV of the Arizona Constitution. The subsections of the Commission's rules that are amended by this rulemaking contain references to technical standards which have been updated. The Commission believes that by amending its rules to adopt these updated incorporated by reference materials, the reliability of electric and telephone services and public safety will be enhanced which will be in the best interest of the public service corporations and of all citizens in the state of Arizona.
3. **NAME AND ADDRESS OF AGENCY EMPLOYEE WHO MAY BE CONTACTED TO SUBMIT ADDITIONAL DATA ON THE INFORMATION INCLUDED IN THIS STATEMENT:**

Name: Steve Olea
Assistant Director, Utilities Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-7270

Fax: (602) 542-2129

E-mail: solea@azcc.gov
4. **AFFECTED CLASSES OF PERSONS:**
 - A. Owners and operators of electric utility generation systems.
 - B. Owners and operators of electric utility distribution systems.
 - C. Owners and operators of telephone utility networks.
 - D. Customers of electric and telephone utilities.
5. **RULE IMPACT ON AFFECTED CLASSES OF PERSONS:**
 - A. The impact on owners and operators of electric utility generation systems should be minimal. The Commission believes the utilities are already complying with the updated standards as they may be required by other political subdivisions. A minor cost may be incurred should a utility have need to purchase one or more of the updated standards.
 - B. The impact on owners and operators of electric utility distribution systems should be minimal. The Commission believes the utilities are already complying with the updated standards as they may be required by other political subdivisions. A minor cost may be incurred should a utility have need to purchase one or more of the updated standards.
 - C. The impact on owners and operators of telephone utility systems should be minimal. The Commission believes the utilities are already complying with the updated standards as they may be required by other political subdivisions. A minor cost may be incurred should a utility have need to purchase one or more of the updated standards.
 - D. The impact on customers of electric and telephone utilities should be continuation of receipt of service in a reliable and safe manner.
6. **COSTS AND BENEFITS TO THE AGENCY:** The proposed changes will have a minimal cost effect on the Commission and will have no impact on costs experienced by other state agencies. The Commission will benefit from adopting the updated standards by having rules that reflect changes in manufacturing, installation and maintenance of electric and telephone infrastructure that should better ensure enhanced service reliability and public safety.
7. **COSTS AND BENEFITS TO POLITICAL SUBDIVISIONS:** There will be no increases or decreases in costs or benefits to political subdivisions because the Commission does not have jurisdiction over political subdivisions and the Rules do not apply to them.
8. **COSTS AND BENEFITS TO PRIVATE PERSONS:** The amendments to the existing rules should have no cost effect upon private persons or users of electric and telephone service provided by regulated public utilities as the utilities are already required to be in compliance with standards. However, the amendments will benefit consumers, users and the general public by enhancing the safe operation and maintenance of electric and telephone systems.
9. **COST AND BENEFITS TO CONSUMERS OR USERS OF ANY PRODUCT OR SERVICE IN THE IMPLEMENTATION OF THE NEW RULES:** The proposed amendments to the existing rules should have no cost impact on consumers or users of the electric or telephone services provided by regulated utilities. As utilities come to the Commission for future rate cases, should some increased cost occur due to complying with these amendments, such cost would be included as part of the rate application. However, it is impossible to forecast the exact impact on final rates of any one issue at this time.

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The amendments will benefit consumers, users and the general public by enhancing the safe operation and maintenance of electric and telephone systems.

10. **LESS COSTLY OR INTRUSIVE METHODS:** The amendments to the rules are the least costly method for obtaining compliance with the updated standards and, with respect to the incorporated by reference materials, provide for the Commission's rules to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.
11. **ALTERNATIVE METHODS CONSIDERED:** There are no alternative methods available that promulgate adoption of the updated standards and, with respect to the incorporated by reference materials, provide for the Commission's rules to be consistent with A.R.S. § 41-1028 and the rules of the Secretary of State.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Nancy Scott, Esq.
Attorney, Legal Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-3402

Fax: (602) 542-4870

E-mail: nscott@azcc.gov

or

Name: Steve Olea
Assistant Director, Utilities Division, Corporation Commission

Address: 1200 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-7270

Fax: (602) 542-2129

E-mail: solea@azcc.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Public comment will be held on June 4, 2009, beginning at 10:00 a.m. or as soon as practicable thereafter, in Hearing Room 1 at the Commission's Phoenix offices of the Arizona Corporation Commission located at 1200 W. Washington St., Phoenix, AZ 85007. The Hearing Division requests initial written comments be received on or before May 18, 2009 and responsive comments be received on or before June 1, 2009. However, written comments will be accepted through June 4, 2009. Comments should be submitted to Docket Control at the above address. Please reference docket number RE-00000C-08-0394 and RT-0000J-08-0394 on all documents.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

1. Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007: R14-2-207(E)(3)(c); R14-2-208(F)(1); R14-2-506(E)(3)(c); R14-2-507(E)
2. American Society of Mechanical Engineers, Pub. No. ANSI/ASME B31.1-2007, Power Piping (2007): R14-2-208(F)(1)
3. National Electrical Manufacturers Association, Pub. No. ANSI C84.1-2006 (American National Standard for Electric Power Systems and Equipment-Voltage Ratings (60 Hertz) (2006): R14-2-202(E)(1)
4. National Electrical Manufacturers Association, Pub. No. ANSI C12.1-2008 (American National Standard for Electric Meters; Code for Electricity Metering)(2008): R14-2-209(E)(1)

13. The full text of the rules follows:

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

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CHAPTER 2. CORPORATION COMMISSION
FIXED UTILITIES

ARTICLE 2. ELECTRIC UTILITIES

Section

- R14-2-207. Line Extensions
- R14-2-208. Provision of Service
- R14-2-209. Meter Reading

ARTICLE 5. TELEPHONE UTILITIES

Section

- R14-2-506. Construction Agreements
- R14-2-507. Provision of Service

ARTICLE 2. ELECTRIC UTILITIES

R14-2-207. Line Extensions

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 2. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D. No change
- E. Single phase underground extensions in subdivision developments
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. The utility shall install or cause to be installed underground electric lines and related equipment with sufficient capacity and suitable materials that ensure adequate and reasonable electric service in the foreseeable future and in accordance with the applicable provisions of the 1997 edition (and no future editions) of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, (The National Electrical Safety Code) (2007), including no future editions or amendments, with sufficient capacity and suitable materials which shall assure adequate and reasonable electric service in the foreseeable future. ANSI C2 which is incorporated by reference,

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~~and on file with the Office of the Secretary of State Commission. Copies are and published by and available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>.~~

- d. No change
- 4. No change
 - a. No change
 - b. No change
 - c. No change
- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

F. No change**R14-2-208. Provision of Service**

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change

E. No change**F. Construction standard and safety**

1. Each utility shall construct all facilities in accordance with the provisions of the 1997 edition ~~(and no future editions)~~ of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The (National Electrical Safety Code (2007), which is incorporated by reference in R14-2-207(E)(3)(c), and on file with the Office of the Secretary of State, and the 1995 edition (and no future editions) of and American Society of Mechanical Engineers, Pub. No. ANSI B31.1 ANSI/ASME B31.1-2007, Power Piping (2007), (ASME Code for Pressure Piping) including no future editions or amendments, which is incorporated by reference, and on file with the Office of the Secretary of State Commission. Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017. Copies of the ASME Code for Pressure Piping are and published by and available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017 3 Park Avenue, New York, New York 10016, and through <http://catalog.asme.org>.
2. Each utility shall adopt a standard alternating nominal voltage or standard alternating nominal voltages (as may be required by its distribution system) for its entire service area or for each of the several districts into which the system may be divided, which standard voltage or voltages shall be stated in the rules and regulations of each utility and shall be measured at the customer's service entrance. Each utility shall, under normal operating conditions, maintain its standard voltage or voltages within the limits of the 1989 edition ~~(and no future editions)~~ of National Electrical Manufacturers Association, Pub. No. ANSI C84.1 C84.1-2006, (American National Standard for Electric Power Systems and Equipment-Voltage Ratings [60Hz]) (60 Hertz) (2006), including no future editions or amendments, which is incorporated by reference, and on file with the Office of the Secretary of State Commission, and published by and Copies are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018 National Electrical Manufacturers Association, 1300 North 17th Street, Suite 1752, Rosslyn, Virginia 22209, and through <http://www.nema.org>.

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R14-2-209. Meter Reading

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
- E. Meter testing and maintenance program.
 - 1. Each utility shall file with the Commission, through the Compliance Section, a plan for the routine maintenance and replacement of meters ~~which that~~ meets the requirements of the ~~1995 edition (and no future editions) of~~ National Electrical Manufacturers Association, Pub. No. ANSI C12.1-2008, (American National Standard for Electric Meters: Code for Electricity Metering) (2008), including no future editions or amendments, which is incorporated by reference, ~~and on file with the Office of the Secretary of State Commission, and published by and~~ Copies are available from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017 National Electrical Manufacturers Association, 1300 North 17th Street, Suite 1752, Rosslyn, Virginia 22209, and through www.nema.org.
 - 2. No change
 - a. No change
 - b. No change
- F. No change

ARTICLE 5. TELEPHONE UTILITIES**R14-2-506. Construction Agreements**

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 2. No change

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- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- D. No change
- E. Underground extension of communication lines
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - 3. Installation of underground communication lines within subdivision and multiple occupancy residential developments:
 - a. No change
 - b. No change
 - c. The utility shall install or cause to be installed underground communication lines and related equipment with sufficient capacity and suitable materials that ensure adequate and reasonable communication service in the foreseeable future and in accordance with the applicable provisions of the ~~1997 edition (and no future editions)~~ of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The (National Electrical Safety Code) (2007), which is incorporated by reference in R14-2-207(E)(3)(c) with sufficient capacity and suitable materials which shall assure adequate and reasonable communication service in the foreseeable future.
 - d. No change
 - 4. No change
 - a. No change
 - b. No change
- F. No change
- G. No change

R14-2-507. Provision of Service

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- C. No change
 - 1. No change
 - 2. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- E. Construction standards. Each utility shall construct all facilities in accordance with the provisions of the ~~1997 edition (and no future editions)~~ of ANSI C2 Institute of Electrical and Electronic Engineers, Inc., Pub. No. C2-2007, The (National Electrical Safety Code) (2007), which is incorporated by reference and on file with the Office of the Secretary of State in R14-2-207(E)(3)(c). Copies are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017.